



The Scottish Parliament  
Pàrlamaid na h-Alba

## Social Justice and Social Security Committee

Shirley-Anne Somerville MSP  
Cabinet Secretary for Social Justice  
Scottish Government  
Edinburgh  
EH99 1SP

**22 January**

Dear Cabinet Secretary,

### **Commencement of Section 8 of the Social Security (Amendment) (Scotland) Act 2025**

It has been brought to the Committee's attention that individuals appealing decisions on Adult Disability Payment may experience unnecessary delays, in circumstances where Social Security Scotland has accepted that a higher award should be made prior to a Tribunal hearing being scheduled.

As the legislation currently stands, the agency is unable to issue a new determination once an appeal has been lodged, which is resulting in appeals proceeding to Tribunal, despite there being no remaining dispute.

The Scottish Parliament legislated to address this issue through Section 8 of the Social Security (Amendment) (Scotland) Act 2025, which inserts new [sections 49A-C](#) into the 2018 Act.

These provisions allow a new determination to be made during an ongoing appeal, thereby bringing the appeal to an end and ensuring claimants receive their correct entitlement without an avoidable delay. However, I understand that these provisions have not yet been commenced.

Given the impact this will have on some claimants and the Tribunal system, the Committee would welcome clarification on when the Scottish Government intends to commence Section 8 of the 2025 Act.

Yours sincerely,

**Collette Stevenson MSP**  
**Convener**  
**Social Justice and Social Security Committee**